

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants:	NYFIX, Inc.	Art Unit:	3692
Serial No. :	10/825,726	Examiner:	MERCHANT, SHAHID R.
Filing Date:	April 15, 2004	Applicant's Docket No. :	NYF-104(US) was: 1100-078
Confirmation No. :	8821	Title:	PROCESS FOR PROVIDING TIMELY QUALITY INDICATION OF MARKET TRADES

RESPONSE TO THE OFFICE ACTION
OF OCTOBER 9, 2007

I. INTRODUCTORY COMMENTS

- **REQUEST FOR CONSIDERATION OF RESPONSE**

This "RESPONSE TO THE OFFICE ACTION OF October 9, 2007" replies to the outstanding office action in this case, and distinctly and specifically points out the errors in the Examiner's action, as well as responding to every ground of objection and rejection set forth in such office action. This response is a bona fide attempt to advance the application to allowance. In light of the amendments (if any) and remarks set forth below, Applicant requests that the Examiner reconsider the Examiner's stance with respect to the patentability of the claims and Applicant seeks further examination of the application. Applicant hereby requests that any objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

- **REQUEST FOR, AND PAYMENT OF, EXTENSION FEE**

No extension fee is believed to be due with this filing. Applicant hereby provides the Commissioner with the authority to debit Kelley Drye & Warren's Deposit Account No. 11-0404 for any additional fees. While not believed to be applicable in this case, Applicant

notes 37 C. F. R. §1.7 which states “[w]hen the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States Patent and Trademark Office falls on Saturday, Sunday, or a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday or a Federal holiday. ”

- *LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT*

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- *REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS*

Applicants respectfully request entrance of the amendments (if any), and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/canceled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any

continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications directed to the subject matter covered by any canceled or previously submitted claim, as well as any unclaimed subject matter disclosed in the specification.